



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
1099 14TH STREET NW
WASHINGTON DC 20570

Re: OZBURN-HESSEY LOGISTICS, LLC

Cases 26-CA-024057; 26-CA-024065; 26-CA-024090; and 26-RC-008635

ORDER

The Respondent's Emergency Motion to stay the Region's opening and counting of ballots directed by the Board's May 2, 2013 Decision, Order, and Direction in this case is denied. The Respondent has provided no compelling reason to depart from the Board's longstanding practice of continuing to process representation matters, notwithstanding that review of the final Board Order in the companion unfair labor practice case is pending in a court of appeals, and has failed to demonstrate that it will suffer irreparable harm if the Region proceeds with the opening and counting of the ballots scheduled for May 14, 2013.¹

Dated, Washington, D.C., May 13, 2013.

MARK GASTON PEARCE, CHAIRMAN

RICHARD F. GRIFFIN, JR., MEMBER

SHARON BLOCK, MEMBER

¹ The Respondent's Motion to Stay also contends that the Board lacked a quorum to issue its May 2, 2013 Decision, Order, and Direction because the President's recess appointments are constitutionally invalid. For the reasons stated in *Bloomington's, Inc.*, 359 NLRB No. 113 (2013), these arguments are rejected.